

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEAN M. COLBRAY,

Plaintiff,

v.

KIEWIT INFRASTRUCTURE WEST ,

Defendant.

CASE NO. 2:22-cv-01729

ORDER

Plaintiff Dean M. Colbray filed this matter on December 6, 2022. Dkt. No. 1. On February 17, 2023, Colbray moved to appoint counsel, Dkt. No. 5, which motion this Court denied. Dkt. No. 6. In the ensuing ten months, Colbray took no action in this case. *See* Dkt. On November 17, 2023, this Court issued an Order to Show Cause, giving Colbray 30 days to show cause why his complaint should not be dismissed for failure to prosecute. Dkt. No. 7. On December 21, 2023, Colbray filed an untimely response to the Court's Order to Show Cause. Dkt. No. 8. The response failed to address why the Court should not dismiss this action.

On January 8, 2024, this Court issued another Order to Show Cause. Dkt. No. 9. Besides explaining the deficiencies of Colbray's response to the Court's first

1 Order to Show Cause, the second Order explained that Colbray had failed to serve a
2 signed, sealed summons on Defendant as required by Rule 4 of the Federal Rules of
3 Civil Procedure. *Id.*; see Fed. R. Civ. Pro. 4 (requiring service of complaint and
4 signed, sealed summons on defendant within 90 days of filing of complaint). This
5 Court ordered Colbray to “file proof of service of his summons and complaint or to
6 properly serve Kiewitt within 30 days of the Order.” *Id.* The Court expressly stated
7 that “Colbray’s failure to file proof of proper service within 30 days will result in
8 dismissal of this action without prejudice unless Colbray is able to show cause why
9 he was not able to effectuate proper service onto Kiewitt.” *Id.*

10 As of this date, Colbray has made no response to the Court’s January 8 Order
11 to Show Cause. *See* Dkt. He has filed no proof of proper service of the complaint and
12 summons on Defendant. Nor has he shown cause as to why he has been unable to
13 carry out proper service. Accordingly, the Court DISMISSES this action without
14 prejudice.

15 It is so ORDERED.

16 Dated this 6th day of September, 2024.

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19 Jamal N. Whitehead
20 United States District Judge
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